

22-5290
Case No.

ORIGINAL

IN THE
UNITED STATES SUPREME COURT

In re Phillip A. Brown II,
Petitioner,

Circuit Court : # 14-1876

District Court : # 09-cv-14850

~~Case No. 14-1876~~

~~Respondent.~~

Phillip A. Brown II - #271566
Muskegon Correctional Facility
2400 S. Sheridan Rd.
Muskegon, Michigan 49442

Supreme Court, U.S.
FILED

MAY 24 2022

OFFICE OF THE CLERK

MOTION TO PROCEED IN FORMA PAUPERIS

(w/ Notarized Affidavit)

Now comes Petitioner, Phillip A. Brown II, and moves this Court to GRANT him in forma pauperis status in this Petition for writ of certiorari.

Petitioner states the following facts in support of this motion:

- 1) Petitioner cannot afford to pay the filing fees for this case.
- 2) Petitioner is incarcerated in the Michigan Department of Corrections.
- 3) Petitioner has substantial and meritorious arguments for this Court.

Wherefore, the Petitioner respectfully asks this Court to WAIVE the filing fee and costs in this case and GRANT him pauperis status.

Respectfully Submitted,

Phillip A. Brown II

92-2590

ORIGINAL

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U.S. DEPARTMENT OF JUSTICE

Washington, D.C. 20535

March 1, 1968

Mr. J. Edgar Hoover, Director

Federal Bureau of Investigation

Washington, D.C. 20535

Dear Sir:

Enclosed

is a copy of a letterhead memorandum

dated and captioned as above.

Very truly yours,

W. J. Mohr

Special Agent in Charge

Enclosure

Very truly yours,

W. J. Mohr

Enclosed is a copy of a letterhead memorandum dated and captioned as above.

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W. J. Mohr

Special Agent in Charge

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, PHILLIP A. BROWN, Jr, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>20.00</u>	\$ _____	\$ _____	\$ _____
Self-employment	\$ <u>- 0</u>	\$ _____	\$ _____	\$ _____
Income from real property (such as rental income)	\$ <u>- 0</u>	\$ _____	\$ _____	\$ _____
Interest and dividends	\$ <u>- 0</u>	\$ _____	\$ _____	\$ _____
Gifts	\$ <u>- \$200</u>	\$ _____	\$ _____	\$ _____
Alimony	\$ <u>- 0</u>	\$ _____	\$ _____	\$ _____
Child Support	\$ <u>- 0</u>	\$ _____	\$ _____	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>- 0</u>	\$ _____	\$ _____	\$ _____
Disability (such as social security, insurance payments)	\$ <u>- 0</u>	\$ _____	\$ _____	\$ _____
Unemployment payments	\$ <u>- 0</u>	\$ _____	\$ _____	\$ _____
Public-assistance (such as welfare)	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Other (specify): _____	\$ <u>0</u>	\$ _____	\$ _____	\$ _____
Total monthly income:	\$ <u>220.00</u>	\$ _____	\$ _____	\$ _____

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
NA			\$
(PRISON JOB)	MCF	5/20/21 - Now	\$ 20.00

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
NA - NONE			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ —
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
MDOC TRUST	\$ 10.00	\$
	\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value NONE

☐ Other real estate
Value _____

☐ Motor Vehicle #1
Year, make & model NONE
Value _____

☐ Motor Vehicle #2
Year, make & model _____
Value _____

☐ Other assets
Description NONE
Value _____

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or
your spouse money

Amount owed to you

Amount owed to your spouse

<u>NONE</u>	\$ <u> </u>	\$ <u> </u>
<u> </u>	\$ <u> </u>	\$ <u> </u>
<u> </u>	\$ <u> </u>	\$ <u> </u>

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name

Relationship

Age

<u>NONE</u>	<u> </u>	<u> </u>
<u>TAMMY WOOD</u>	<u>MOTHER</u>	<u>60</u>
<u> </u>	<u> </u>	<u> </u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

You

Your spouse

Rent or home-mortgage payment
(include lot rented for mobile home)

\$ <u>1000 0</u>	\$ <u> </u>
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Are real estate taxes included? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,
water, sewer, and telephone)

\$ <u>0</u>	\$ <u> </u>
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Home maintenance (repairs and upkeep)

\$ <u>0</u>	\$ <u> </u>
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Food

\$ <u>\$100</u>	\$ <u> </u>
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Clothing

\$ <u>0</u>	\$ <u> </u>
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Laundry and dry-cleaning

\$ <u>0</u>	\$ <u> </u>
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Medical and dental expenses

\$ <u>0</u>	\$ <u> </u>
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	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>- 0</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>- 0</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>- 0</u>	\$ _____
Life	\$ <u>- 0</u>	\$ _____
Health	\$ <u>- 0</u>	\$ _____
Motor Vehicle	\$ <u>- 0</u>	\$ _____
Other: _____	\$ <u>- 0</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>- 0</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>- 0</u>	\$ _____
Credit card(s)	\$ <u>- 0</u>	\$ _____
Department store(s)	\$ <u>- 0</u>	\$ _____
Other: _____	\$ <u>- 0</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>- 0</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>- 0</u>	\$ _____
Other (specify): <u>LEGAL COPIES + POSTAGE</u>	\$ <u>\$ 50</u>	\$ _____
Total monthly expenses:	\$ <u>\$ 150</u>	\$ _____

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I DON'T HAVE ENOUGH MONEY IN MY PRISON ACCOUNT.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: JUNE 16th, 2022

JASON JONES
Notary Public, Muskegon County, MI
My Commission Expires 12/17/25
Acting in the County of Muskegon



Phillip A Brown II
(Signature)

FEDERAL COURT - CIVIL ACTION

Prisoner-Plaintiff/Petitioner/Appellant name and number

BROWN, PHILLIP #271566

0

Defendant's/Respondent's/Appellee's name

CINDI CURTIN

V

CERTIFICATE OF PRISONER INSTITUTIONAL/TRUST FUND ACCOUNT ACTIVITY

I am employed by the Michigan Department of Corrections at the facility identified below, at which the prisoner identified as the Plaintiff/Petitioner/Appellant is currently incarcerated.

Attached is a computer printout which accurately reflects the current spendable balance and all activity within this prisoner's account during the preceding six months or, if the prisoner has been incarcerated for less than six months, for the period of incarceration. "Credit" on the printout represents a withdrawal from the account and "Debit" represents a deposit to the account.

This Certificate of Prisoner Account Activity reflects, for the reported period, an average monthly deposit (i.e., total deposits divided by number of months) \$224.92, an average monthly balance (i.e., total deposits less total withdrawals divided by number of months) of (\$90.34).

There is a current spendable account balance of \$227.57.

Date: 05/23/2022



Signature of Custodian of Prisoner Institutional/Trust Fund Account

MUSKEGON CORRECTIONAL FACILITY

CERTIFIED DECLARATION

THE PETITIONER, BEING FIRST DULY SWORN UNDER PENALTY OF PERJURY, DOES HEREBY AFFIRM THAT THE INFORMATION RELATING TO THIS ACCOUNT STATEMENT AND MOTION TO PROCEED IN FORMA PAUPERIS IS ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

28 U.S.C. §1746

Phillip A. Brown II

IN ORDER TO COMPLY WITH YOUR REQUEST FOR A CERTIFICATE OF
PRISONER ACCOUNT ACTIVITY STATEMENT THE FOLLOWING
INFORMATION IS REQUIRED:

Inmate name: BROWN

Inmate Number: # 271566

4. NAME OF PLAINTIFF(S) PHILLIP BROWN

5. NAME OF DEFENDANTS(S) CINDI CURTIN

6. NAME OF THE COURT (Which is either County, District, or other jurisdiction)

U.S. SUPREME COURT Case #(if known) (NA)

EXAMPLES:

State Courts

(MI Court of Appeals; MI Supreme Court; County Courts
- District; Circuit, etc...) - 12 month statement

OR

Federal Court

United States District Court; US Supreme Court; US Court of Appeals
6 month statement

Daily Transaction Summary: November 23, 2021 - May 23, 2022

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Offender Information

Offender Number: 0271566	Institution: MCF	Living Unit: Unit 5	Primary Balance: \$227.57
Offender Name: BROWN, PHILLIP ANTHONY	Housing Facility: MCF	Cell: 113	Available Balance: \$227.57
Account Status: Open	Tier: 01	Bed: A	

Primary Trust Transactions

Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
11/23/2021						\$769.59	
11/24/2021 01:31:32 AM	Commissary Sale	Keefe Commissary	C104170082		\$52.43	\$822.02	MCF
11/24/2021 01:09:23 PM	Legal Copies Disbursement	MCF Institutional Services			(\$1.80)	\$820.22	MCF
11/30/2021 01:31:34 AM	Commissary Sale	Keefe Commissary	C104192723		(\$70.02)	\$750.20	MCF
12/07/2021 02:59:10 PM	Phone Credits	Global Tel			(\$50.00)	\$700.20	MCF
12/09/2021 01:31:27 AM	Commissary Sale	Keefe Commissary	C104192723		\$3.61	\$703.81	MCF
12/13/2021 05:10:09 AM	GTL	TAMMY King		\$100.00		\$803.81	COF
12/14/2021 01:31:33 AM	Commissary Sale	Keefe Commissary	C104216068		(\$52.16)	\$751.65	MCF
12/14/2021 08:19:50 AM	MCF-Institutional Services	500 - Institutional Services		\$18.24		\$769.89	MCF
12/15/2021 07:40:13 PM	Kiosk Request	JPAY Inc.			(\$18.00)	\$751.89	COF
12/21/2021 05:10:07 AM	GTL	Tamara Wood		\$300.00		\$1,051.89	COF
12/21/2021 07:40:14 PM	Kiosk Request	JPAY Inc.			(\$18.00)	\$1,033.89	COF
12/22/2021 07:40:13 PM	Kiosk Request	JPAY Inc.			(\$20.00)	\$1,013.89	COF
12/26/2021 05:12:59 AM	GTL	Denise Kelly		\$25.00		\$1,038.89	COF
12/28/2021 01:31:21 AM	Commissary Sale	Keefe Commissary	C104216068		\$5.56	\$1,044.45	MCF
12/28/2021 01:31:21 AM	Commissary Sale	Keefe Commissary	C104239954		(\$66.98)	\$977.47	MCF
12/28/2021 11:30:11 AM	UPS Charges	MCF Institutional Services	MCF 122821 UPS		(\$8.76)	\$968.71	MCF
01/04/2022 05:10:09 AM	GTL	Phil Brown		\$100.00		\$1,068.71	COF
01/04/2022 03:37:21 PM	Deduction Exempt - No Sigma	JPAY		\$18.00		\$1,086.71	COF
01/07/2022 01:15:19 PM	Legal Copies Disbursement	MCF Institutional Services			(\$1.10)	\$1,085.61	MCF
01/07/2022 01:31:13 PM	Legal Copies Disbursement	MCF Institutional Services			(\$0.20)	\$1,085.41	MCF
01/08/2022 01:30:46 AM	Commissary Sale	Keefe Commissary	C104239954		\$4.24	\$1,089.65	MCF
01/10/2022 07:40:07 PM	Kiosk Request	JPAY Inc.			(\$20.00)	\$1,069.65	COF
01/11/2022 01:31:22 AM	Commissary Sale	Keefe Commissary	C104260524		(\$69.48)	\$1,000.17	MCF
01/14/2022 01:36:20 AM	Commissary Sale	Keefe Commissary	C104260524		\$4.24	\$1,004.41	MCF
01/14/2022 08:18:14 AM	MCF-Institutional Services	500 - Institutional Services		\$20.52		\$1,024.93	MCF
01/18/2022 01:42:01 PM	Legal Copies Disbursement	MCF Institutional Services			(\$1.20)	\$1,023.73	MCF
01/18/2022 02:59:37 PM	Phone Credits	Global Tel			(\$20.00)	\$1,003.73	MCF
01/24/2022 02:03:47 PM	Phone Credits	Global Tel			(\$50.00)	\$953.73	MCF
01/25/2022 01:31:15 AM	Commissary Sale	Keefe Commissary	C104283220		(\$52.71)	\$901.02	MCF
02/02/2022 05:10:14 AM	GTL	Phil Brown		\$100.00		\$1,001.02	COF

Daily Transaction Summary (0271566 - PHILLIP BROWN cont.): November 23, 2021 - May 23, 2022

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Primary Trust Transactions							
Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
02/02/2022 07:40:08 PM	Kiosk Request	JPAY Inc.			(\$25.00)	\$976.02	COF
02/07/2022 03:57:27 PM	Phone Credits	ViaPath Technologies			(\$30.00)	\$946.02	MCF
02/08/2022 01:31:20 AM	Commissary Sale	Keefe Commissary	C104304553		(\$45.45)	\$900.57	MCF
02/14/2022 01:08:01 PM	MCF-Institutional Services	500 - Institutional Services		\$20.52		\$921.09	MCF
02/15/2022 07:40:11 PM	Kiosk Request	JPAY Inc.			(\$20.00)	\$901.09	COF
02/22/2022 01:31:20 AM	Commissary Sale	Keefe Commissary	C104327918		(\$25.12)	\$875.97	MCF
02/22/2022 03:51:05 PM	Phone Credits	ViaPath Technologies			(\$75.00)	\$800.97	MCF
02/25/2022 01:31:14 AM	Commissary Sale	Keefe Commissary	C104304553		\$4.00	\$804.97	MCF
02/27/2022 07:40:09 PM	Kiosk Request	JPAY Inc.			(\$29.00)	\$775.97	COF
02/28/2022 03:37:00 PM	Phone Credits	ViaPath Technologies			(\$75.00)	\$700.97	MCF
03/07/2022 05:10:10 AM	GTL	Phil Brown		\$95.05		\$796.02	COF
03/08/2022 01:31:22 AM	Commissary Sale	Keefe Commissary	C104350492		(\$60.27)	\$735.75	MCF
03/14/2022 09:54:01 AM	MCF-Institutional Services	500 - Institutional Services		\$18.24		\$753.99	MCF
03/14/2022 07:40:08 PM	Kiosk Request	JPAY Inc.			(\$15.53)	\$738.46	COF
03/20/2022 07:40:08 PM	Kiosk Request	JPAY Inc.			(\$28.33)	\$710.13	COF
03/22/2022 01:31:35 AM	Commissary Sale	Keefe Commissary	C104374248		(\$79.81)	\$630.32	MCF
03/23/2022 11:42:55 AM	JL Marcus Disbursement	Jack L Marcus			(\$58.94)	\$571.38	MCF
03/28/2022 02:45:25 PM	Phone Credits	ViaPath Technologies			(\$50.00)	\$521.38	MCF
04/01/2022 10:35:47 AM	Legal Copies Disbursement	MCF Institutional Services			(\$1.50)	\$519.88	MCF
04/03/2022 05:10:09 AM	GTL	Tamara Wood		\$300.00		\$819.88	COF
04/05/2022 01:31:24 AM	Commissary Sale	Keefe Commissary	C104396183		(\$59.90)	\$759.98	MCF
04/06/2022 05:10:09 AM	GTL	Phil Brown		\$100.00		\$859.98	COF
04/06/2022 11:43:59 AM	Miscellaneous Vendor Check	Swintec Corp.			(\$168.54)	\$691.44	MCF
04/08/2022 03:29:05 PM	Union Supply Disbursement	Union Supply			(\$221.96)	\$469.48	MCF
04/08/2022 07:40:08 PM	Kiosk Request	JPAY Inc.			(\$14.00)	\$455.48	COF
04/08/2022 01:58:10 PM	Legal Copies Disbursement	MCF Institutional Services			(\$0.20)	\$455.28	MCF
04/11/2022 07:40:08 PM	Kiosk Request	JPAY Inc.			(\$30.00)	\$425.28	COF
04/14/2022 09:17:38 AM	MCF-Institutional Services	500 - Institutional Services		\$13.44		\$438.72	MCF
04/19/2022 01:31:11 AM	Commissary Sale	Keefe Commissary	C104418177		(\$76.88)	\$361.84	MCF
04/22/2022 01:31:16 AM	Commissary Sale	Keefe Commissary	C104418177		\$4.00	\$365.84	MCF
04/22/2022 11:50:00 AM	Legal Copies Disbursement	MCF Institutional Services			(\$0.30)	\$365.54	MCF
04/22/2022 11:52:14 AM	Legal Copies Disbursement	MCF Institutional Services			(\$2.40)	\$363.14	MCF
04/22/2022 11:53:44 AM	Legal Copies Disbursement	MCF Institutional Services			(\$2.10)	\$361.04	MCF
04/26/2022 11:29:19 AM	Special Project/Fundraiser	MCF PBF Fundraiser			(\$10.00)	\$351.04	MCF
04/27/2022 02:58:01 PM	Phone Credits	ViaPath Technologies			(\$20.00)	\$331.04	MCF
04/29/2022 03:17:52 PM	Legal Copies Disbursement	MCF Institutional Services			(\$3.30)	\$327.74	MCF

Daily Transaction Summary (0271566 - PHILLIP BROWN cont.): November 23, 2021 - May 23, 2022

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Primary Trust Transactions

Date	Transaction Type	Payer / Paid To	Voucher Number	Deposit	Expense	Balance	Loc Code
04/29/2022 03:19:01 PM	Legal Copies Disbursement	MCF Institutional Services			(\$14.60)	\$313.14	MCF
05/03/2022 01:31:19 AM	Commissary Sale	Keefe Commissary	C104438383		(\$85.11)	\$228.03	MCF
05/03/2022 01:12:07 PM	Miscellaneous Vendor Check	BSN Sports			(\$15.22)	\$212.81	MCF
05/04/2022 01:01:29 PM	Medical Co-Pay Disbursement	Health Care Co-Pay			(\$5.00)	\$207.81	MCF
05/06/2022 11:26:04 AM	Legal Copies Disbursement	MCF Institutional Services			(\$0.70)	\$207.11	MCF
05/13/2022 08:58:40 AM	MCF-Institutional Services	500 - Institutional Services		\$20.52		\$227.63	MCF
05/13/2022 09:43:00 AM	Legal Copies Disbursement	MCF Institutional Services			(\$1.00)	\$226.63	MCF
05/14/2022 05:10:08 AM	GTL	Phil Brown		\$100.00		\$326.63	COF
05/16/2022 03:18:12 PM	Phone Credits	ViaPath Technologies			(\$20.00)	\$306.63	MCF
05/17/2022 01:31:20 AM	Commissary Sale	Keefe Commissary	C104462698		(\$55.86)	\$250.77	MCF
05/20/2022 01:30:57 AM	Commissary Sale	Keefe Commissary	C104462698		\$1.80	\$252.57	MCF
05/20/2022 07:40:08 PM	Kiosk Request	JPay Inc.			(\$25.00)	\$227.57	COF
05/23/2022				\$1,349.53	(\$1,891.55)	\$227.57	

Savings

Date	Deposit	Expense	Balance	Loc Code
11/23/2021			\$0.00	
No Activity				
05/23/2022	\$0.00	\$0.00	\$0.00	

Holds - Current as of Date and Time of Report

Date Held	Hold Type	Notes	Amount
No Activity			

Remaining Obligations - Current as of Date and Time of Report

Description	Paid To	Max Per Period	Ordered	Transfer	Outside Source	Held	Paid	Written Off	Total Remaining
No Remaining Obligations									
Total:									\$0.00

